

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------------------|---|---------------------------------|
| In re Application of: |) | |
| | : | Examiner: D. Margaret M. Seaman |
| BENOIT LEDOUSSAL, ET AL. |) | |
| | : | Art Unit: 1625 |
| Application No.: 10/085,786 |) | |
| | : | Confirmation No.: 2010 |
| Filed: February 28, 2002 |) | |
| | : | |
| For: ANTIMICROBIAL QUINOLONES, |) | |
| THEIR COMPOSITIONS | : | |
| AND USES |) | October 19, 2010 |

Mail Stop: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.137(b) TO
REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-identified application, which became abandoned for failure to timely reply to a non-final Office Action dated October 1, 2002 ("Office Action"), for co-pendency with subsequently filed U.S. Application No. 10/392,476 ("the '476 application"), issued as U.S. Patent No. 6,849,740. The following events may be of note:

- A non-final Office Action dated October 1, 2002, was issued.
- A new continuation application claiming priority to the present application was filed on March 18, 2003, by the former owners The Procter & Gamble Company ("P&G").

- Based on the U.S. Patent and Trademark Office (“USPTO”) records, it appears that a petition to extend the time for response to the Office Action was not filed by P&G in order to maintain co-pendency of the present application with the ‘476 application. However, it is noted that when the present application and the ‘476 application were filed, an authorization to charge any additional fee required under 37 C.F.R. §§1.16 and 1.17 and a Deposit Account Number to charge the same were provided by P&G.
- A Notice of Abandonment for failure to respond to the Office Action was mailed on April 17, 2003.
- The new continuation application was assigned U.S. Application No. 10/392,476 and a filing date of March 18, 2003.

Applicants petition to extend the time for response to the Office Action for three months, from January 1, 2003, to April 1, 2003. The \$1,110.00 extension fee is submitted herewith. Please charge any additional fee required, and credit any overpayment, to Deposit Account 50-3939.

In conformity with 37 C.F.R. §1.137(b)(1), and in response to the Office Action, it is submitted that the required reply was met with the filing of the continuing application (the ‘476 application). In accordance with 37 C.F.R. §1.137(b)(2), the \$1,620.00 petition fee required under 37 C.F.R. §1.17(m) is submitted herewith via Deposit Account 50-3939. Any additional fees required to process this Petition can be charged to, or any overpayment can be credited to, Deposit Account 50-3939. Because this application was filed after June 8, 1995, no Terminal Disclaimer is required in accordance with 37 C.F.R. §1.137(d).

The entire delay in filing the required petition to extend the time for response to the Office Action until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. In view of the foregoing, the Commissioner is respectfully requested to revive the above-identified application for co-pendency with subsequently filed '476 application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Raymond R. Mandra/
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